

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JULIUS JONES,)
)
)
Petitioner,)
vs.) **Case No. CIV-07-1290-D**
)
)
MARTY SIRMONS, Warden)
Oklahoma State Penitentiary,)
)
Respondent.)

**PETITIONER S SECOND UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE PETITION FOR WRIT OF HABEAS CORPUS
AND MOTION FOR DISCOVERY**

Julius Jones, through counsel, moves that the Court grant and extension of time of four (4) days in which to file the petition for writ of habeas corpus and the motion for discovery in this case. The petition and motion for discovery currently are due today on October 30, 2008. If the request for extension is approved, the new due date for both documents will be November 3, 2008.

Undersigned counsel has discussed this extension request with Assistant Attorney General Jennifer Strickland, counsel for Respondent. Ms. Strickland stated she is not opposed to the extension.

This is Petitioner s second request for extension of time. The first request resulted in an extension being granted from September 15, 2008 to October 30, 2008 for filing the petition for writ of habeas corpus and motion for discovery.

There is no trial or hearing date in this case and thus no inevitable impact on any trial or hearing date. Since a response brief is due 45 days after the petition and a reply due 20 days after the response, the extension would have a four-day impact on those due dates.

As grounds for this extension, counsel states:

1. Undersigned counsel's wife, Melinda Barrett, recently has had knee replacement surgery and she remains off work and at home recovering from the surgery. Because of her limited mobility, undersigned counsel has been working at home and assisting Ms. Barrett, however work, at times, has been difficult to accomplish.

2. This case is a death penalty case with an extensive record and serious issues.

Additional time is needed for counsel to do justice to his assignment to represent Mr. Jones.

3. The post-conviction application in this case was denied on November 5, 2007.

Thus, a filing by November 3, 2008 would be within the one-year period for filing a petition for writ of habeas corpus.

The precise relief requested: extension of time to file the motion for discovery and the petition for writ of habeas corpus from October 30, 2008 to November 3, 2008..

CONCLUSION

For the above reasons, Petitioner requests that this motion for extension of time be granted.

Respectfully submitted,

/s Mark Barrett
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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2008, I electronically transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant: Jennifer L. Strickland, Assistant Attorney General, whose service email is fhc.dcoke@oag.state.ok.us.

/s/ Mark Barrett